UNITED
NATIONS

A

General Assembly

Distr.
GENERAL

A/CONF.164/17
16 March 1994

ORIGINAL: ENGLISH

UNITED NATIONS CONFERENCE ON STRADDLING FISH STOCKS AND HIGHLY MIGRATORY FISH STOCKS
New York, 14-31 March 1994

STATEMENT MADE BY THE CHAIRMAN OF THE CONFERENCE AT THE OPENING OF THE THIRD SESSION, HELD ON 14 MARCH 1994

I welcome you to the third session of the United Nations Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks. As we all acknowledged at the previous session, there is much work to be done if we are to fulfil the mandate of the Conference within the given time. We made good progress at the second session and I hope that the momentum can be maintained at this session.

During the second session the Food and Agriculture Organization of the United Nations (FAO) provided a global review on the state of the world's highly migratory fish stocks and straddling fish stocks. That review noted that many of these stocks were already heavily exploited and that a significant number of them had already been severely reduced or depleted, illustrating the non-sustainable nature of current fishing activities.

Rehabilitation of stocks that are overexploited will not be achieved in a short period of time. Stock rebuilding is a difficult task and will necessarily involve hardship, especially for those fishermen that have been engaged in exploiting these stocks, and who must face restrictions in their fishing activities. With respect to those highly migratory fish stocks and straddling fish stocks that are not as heavily exploited, it is absolutely imperative that management steps be taken as early as possible to prevent excessive harvesting. It is much easier to prevent a fisheries crisis than to deal with one after it has occurred.

On the basis of information available, since we last met, the gravity of the international fisheries situation as it pertains to highly migratory fish stocks and straddling fish stocks remains unchanged. Indeed, there have been recent reports of fisheries continuing to collapse in some parts of the world and of extreme socio-economic consequences for the fishing communities. We therefore need to work constructively and efficiently in order to find effective solutions that will ensure the long-term and sustainable use of all fish stocks.

These solutions, however, must fall within the framework of the 1982 United Nations Convention on the Law of the Sea. It should be noted that the Convention will enter into force on 16 November 1964, having already secured the required 60 ratifications or accessions for its entry into force.

I would like to take this opportunity to inform you of certain other developments that have occurred since our last meeting which are relevant to our work. First, in November 1993, the FAO Conference held in Rome approved the Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas. This Agreement will enter into force upon the receipt by the Director-General of FAO of the twenty-fifth instrument of acceptance. Secondly, in December 1993, FAO convened at the Inter-American Tropical Tuna Commission headquarters at La Jolla, California, an ad hoc consultation on the role of the regional fisheries agencies in relation to high-seas fishery statistics. Delegates will recall that FAO gave notice at our last session of its intention to convene such a meeting. The focus of the meeting was annex 1 to the negotiating text (A/CONF.164/13 of 23 November 1993) before this Conference. A report on the ad hoc consultation is available to you in document A/CONF.164/INF/10. Thirdly, FAO has commenced work on the drafting of general principles for the International Code of Conduct on Responsible Fishing, in pursuance of the Cancún Declaration on Responsible Fishing.

I was invited to attend the La Jolla ad hoc consultation and the informal working group of experts on the Code of Conduct in Rome in my capacity as Chairman of this Conference. I am grateful to FAO for these invitations.

In the closing statement at the second session of the Conference, on 30 July 1993, I urged the Conference to make concerted efforts to reach agreement on the many issues contained in the negotiating text. I also expressed the hope that by the end of the third session we could reach a stage in the negotiations to enable us to issue a revised text reflecting substantial, if not total, agreement on all issues. If this is possible, States will have the opportunity to consider the revised text and prepare for the final session in the summer, when the text should be adopted. Our programme of work for this session should therefore reflect this objective.

Accordingly, following my consultations with the members of the bureau, I would like to propose for your consideration the following programme of work. The Conference should proceed to consider the negotiating text as contained in document A/CONF.164/13 of 23 November 1993. In doing so, we should (a) first hear any general comments that delegations may wish to make on matters contained in the text, and (b) then proceed in informal session to consider the text section by section. During this process, it should be possible to identify some of the key areas that require further negotiation. We should aim to complete this process by the end of the first week.

In the second week, the Conference should concentrate on the key outstanding issues, with a view to resolving them. In the event that sufficient progress has been made, a revised version of the text may be issued by the end of the second week or the beginning of the third week. We could then consider the revised text during the remaining days in the third week.

As was agreed at the last session, we are to have two open-ended technical working groups during this session. These groups will deal with the application of precautionary approaches and reference points to fisheries management, respectively. You will recall that the Conference requested FAO to prepare information papers on these issues. These contributions are contained in documents A/CONF.164/INF/8 and A/CONF.164/INF/9. I would like to thank FAO for its speedy response in providing these papers which, I understand, were made available to the Secretariat late in December last year.

The technical working groups, in accordance with our agreement at the end of the last session, will meet simultaneously with the plenary. As has already been announced, the Working Group on the application of precautionary approaches to fisheries management will meet from 16 to 18 March, and the Working Group on reference points for fisheries management will meet from 21 to 23 March. On the basis of the two information papers and other relevant information, the working groups should review the relevant sections of the negotiating text and, as necessary, provide a revised text for consideration by the plenary. The working groups should focus on practical approaches for dealing with the two issues in the context of fisheries management.

At the beginning of the second week, following the section-by-section review of the negotiating text, it is proposed that the issue of the form of the document resulting from the Conference be taken up for discussion. This will precede the consideration of the key issues to which I referred above.

To facilitate progress in our work, I would like to encourage States to undertake such informal consultations as may be appropriate in order to help to resolve issues where differences exist. Such consultations might be bilateral or in small groups of interested States, or in any other form as might contribute to advancing our work. However, these informal consultations should not interfere with our scheduled programme of work. For my part, I will also undertake such consultations, as appropriate. In the interest of transparency, the results of consultations should be made known to all delegations in plenary sessions.

To recapitulate, and in summary, the organization of work for this session that is being proposed is as follows:

(1) That the Conference begin with hearing general remarks directed to the negotiating text. This will be followed by a section-by-section examination of the negotiating text. For this purpose the plenary will meet as a working group. We should aim to complete this process by the end of the first week;

(2) Upon completion of the section-by-section examination of the text, the Conference will then discuss the question of the form of the document resulting from the Conference;

(3) It will then take up some of the key issues that require further negotiation;

(4) Depending on the progress made, we should aim to issue a revised text by the beginning of the third week;

(5) If indeed we succeed in issuing a revised text in the third week, the Conference should proceed to consider the revised text for the remainder of the session;

(6) The two technical working groups will meet simultaneously with the plenary from 16 to 18 March, and from 21 to 23 March, respectively.

As usual, this programme of work is a guide to the work for this session and it should be applied flexibly so that changing circumstances during the session can be accommodated. I hope you will agree to this proposal, bearing in mind that we have only limited time available to us. In this regard, I was greatly encouraged by the resolve demonstrated by delegations at the previous session to seek speedy and lasting solutions to problems facing straddling fish stocks and highly migratory fish stocks.